

Granted by agreement

FILED

FEB 16 Rec'd

IN THE CRIMINAL COURT FOR DAVIDSON COUNTY, TENNESSEE
DIVISION I

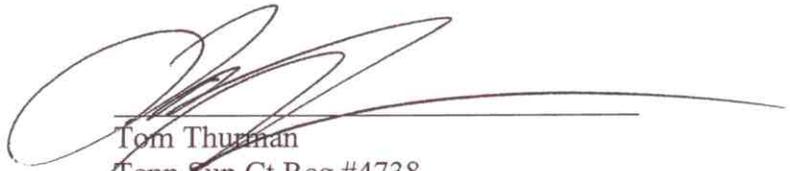
~~DAVIDSON COUNTY, TENNESSEE
BY _____ CLERK
06~~

STATE OF TENNESSEE)	
)	
)	
VS.)	CASE NO: 2004-D-3113
)	
)	
PERRY AVRAM MARCH)	

**MOTION OF THE STATE OF TENNESSEE TO TAKE THE DEPOSITION
OF A WITNESS**

The Office of the District Attorney General, prosecuting on behalf of the State of Tennessee, moves this Court, pursuant to Rule 15 of the Tennessee Rules of Criminal Procedure, for permission to take the deposition of Arthur Wayne March. A deposition is necessary because Mr. March is a material witness who is elderly and in poor health. (See attached affidavit).

Respectfully submitted,



Tom Thurman
Tenn. Sup. Ct. Reg. #4738
Deputy District Attorney General
Washington Square, Suite 500
222 Second Avenue North
Nashville, TN 37201-1649
(615) 862-5500

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been mailed to **John E. Herbison, Attorney at Law, 2016 Eighth Avenue South, Nashville, Tennessee 37204 and William D. Massey, Attorney at Law, 3074 East Street, Memphis, Tennessee 38128**, on this the _____ day of **February, 2006**.

AFFIDAVIT OF FLETCHER W. LONG

I, Fletcher W. Long, after having been duly sworn, according to law, do hereby depose and state as follows:

1. I am over the age of eighteen years of age and not under the influence of any substance which would impair my ability to render truthful testimony.

2. I practice law in the state of Tennessee and am regularly admitted to the Bar of the Supreme Court for the State of Tennessee, the United States District Court for the Eastern, Western and Middle Divisions, and the Sixth Circuit Court of Appeals in Cincinnati, Ohio.

3. My board of professional responsibility registration number is 018775.

4. I am the attorney of record for Arthur March in both the *State of Tennessee v. Arthur Wayne March*, Docket No. 2005-D-2854, and the *United States of America v. Arthur March*, No. 3:06-00015.

5. Arthur March has entered a plea of guilty in the United States District Court for the Middle District of Tennessee before the Honorable Todd J. Campbell to solicitation to commit a crime of violence, to wit: Murder, in violation of 18 U.S.C. § 373.

6. In connection with that Plea Agreement, Arthur March was interviewed for the purpose of production of a Pretrial Services Report by the office of Federal Probation and Parole.

7. In connection with the preparation of that report, above referenced in ¶ 6, Defendant reported he suffered from hypertension, bleeding heart valve, high cholesterol, rotator cuff problems in the right shoulder, a ruptured disc, osteomyelitis in the right ankle and that he has previously had his hip replaced.

8. Arthur March is currently prescribed Altace, Cardura, Lipitor, Siganol and Risperdol.

9. This information is consistent with the information I obtained in connection with my performing my duties as his attorney which I intended to argue on his behalf in the hopes to the Court setting him a reasonable bail prior to his entering a plea in federal court.

10. In addition to the above set forth, Arthur March is seventy-eight years old, with a date of birth of January 15, 1928 making him both in ill health and of considerably advanced years.

FURTHER AFFIANT SAYETH NOT!

Fletcher W. Long
FLETCHER W. LONG
Tenn. Supreme Court B.P.R. No. 18775

STATE OF TENNESSEE)
)
COUNTY OF ROBERTSON)

SWORN to and subscribed before me this 14th day of February, 2006.


Patricia B. Eidson
PATRICIA B. EIDSON
Notary Public

My commission expires: January 26, 2008

Seal: